

**No. 25-10161**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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STATE OF GEORGIA, STATE OF KANSAS, STATE OF TENNESSEE, STATE  
OF ALABAMA, STATE OF ARKANSAS, STATE OF IDAHO, STATE OF  
IOWA, COMMONWEALTH OF KENTUCKY, STATE OF LOUISIANA,  
STATE OF MISSISSIPPI, STATE OF MISSOURI, STATE OF MONTANA,  
STATE OF NEBRASKA, STATE OF NORTH DAKOTA, STATE OF OHIO,  
STATE OF OKLAHOMA, STATE OF SOUTH CAROLINA, STATE OF  
TEXAS, STATE OF UTAH, COMMONWEALTH OF VIRGINIA, STATE OF  
WEST VIRGINIA, RINNAI AMERICA CORPORATION, NATIONAL  
PROPANE GAS ASSOCIATION, NATIONAL ASSOCIATION OF  
HOMEBUILDERS, NATURAL GAS ASSOCIATION OF GEORGIA, INC.,  
AMERICAN GAS ASSOCIATION, AMERICAN PUBLIC GAS  
ASSOCIATION, FLORIDA PROPANE GAS ASSOCIATION, and FLORIDA  
NATURAL GAS ASSOCIATION

*Petitioners,*

v.

U.S. DEPARTMENT OF ENERGY

*Respondent.*

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**JOINT STIPULATION OF VOLUNTARY DISMISSAL**

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listed below*

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**CERTIFICATE OF INTERESTED PERSONS**  
**AND CORPORATE DISCLOSURE STATEMENT**

Counsel for Petitioners certifies that the following is a complete list of interested persons as required by Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rules 26.1-1 to 26.1-3:

1. Adamson, Virginia N., counsel for Petitioner State of Tennessee
2. Alabama, State of, Petitioner
3. American Gas Association, Petitioner, is a nonprofit corporation organized under the laws of Delaware, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
4. American Public Gas Association, Petitioner, is a nonprofit corporation organized under the laws of the District of Columbia, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
5. Aguiñaga, J. Benjamin, counsel for Petitioner State of Louisiana
6. Arkansas, State of, Petitioner,
7. Axt, Philip, counsel for Petitioner State of North Dakota
8. Bailey, Andrew, Attorney General, Petitioner State of Missouri
9. Bird, Brenna, Attorney General, Petitioner State of Iowa



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10. Brown, Derek, Attorney General, Petitioner State of Utah
11. Carr, Christopher M., Attorney General, Petitioner State of Georgia
12. Coleman, Russell, Attorney General, Petitioner Commonwealth of Kentucky
13. Corrigan, Christian, counsel for Petitioner State of Montana
14. Divine, Josh, counsel for Petitioner State of Missouri
15. Drummond, Gentner, Attorney General, Petitioner State of Oklahoma
16. Fitch, Lynn, Attorney General, Petitioner State of Mississippi
17. Florida Natural Gas Association, Petitioner, is a nonprofit corporation organized under the laws of Florida, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
18. Florida Propane Gas Association, Petitioner, is a nonprofit corporation organized under the laws of Florida, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
19. Gaiser, Thomas E., counsel for Petitioner State of Ohio
20. Gallagher, Kevin M., counsel for Petitioner Commonwealth of Virginia
21. Georgia, State of, Petitioner
22. Griffin, Tim, Attorney General, Petitioner State of Arkansas

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23. Gaskins, Garry M., II, counsel for Petitioner State of Oklahoma
24. Heyburn, John H., counsel for Petitioner Commonwealth of Kentucky
25. Hilgers, Michael T., Attorney General, Petitioner State of Nebraska
26. Hurst, Alan, counsel for Petitioner State of Idaho
27. Hydrick, Thomas, counsel for Petitioner State of South Carolina
28. Idaho, State of, Petitioner
29. Iowa, State of, Petitioner
30. Jacobs, Dylan L., former counsel for Petitioner State of Arkansas
31. Jorgensen, Sarah, counsel for Petitioners Rinnai America Corp.,  
National Association of Home Builders, National Propane Gas  
Association, American Gas Association, American Public Gas  
Association, Natural Gas Association of Georgia, Inc., Florida Natural  
Gas Association, and Florida Propane Gas Association
32. Kansas, State of, Petitioner
33. Kentucky, Commonwealth of, Petitioner
34. King, David, counsel for Petitioners Rinnai America Corp., National  
Association of Home Builders, National Propane Gas Association,  
American Gas Association, American Public Gas Association, Natural  
Gas Association of Georgia, Inc., Florida Natural Gas Association, and  
Florida Propane Gas Association

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35. Knudsen, Austin, Attorney General, Petitioner State of Montana
36. Kobach, Kris, Attorney General, Petitioner State of Kansas
37. Kuhn, Matt, counsel for Petitioner Commonwealth of Kentucky
38. Labrador, Raul, R., Attorney General, Petitioner State of Idaho
39. Louisiana, State of, Petitioner
40. Marshall, Steve, Attorney General, Petitioner State of Alabama
41. Matheny, Justin L, counsel for Petitioner State of Mississippi
42. McCuskey, John B., Attorney General, State of West Virginia
43. Mississippi, State of, Petitioner
44. Missouri, State of, Petitioner
45. Miyares, Jason, Attorney General, Petitioner Commonwealth of Virginia
46. Montana, State of, Petitioner
47. Murrill, Liz, Attorney General, Petitioner State of Louisiana
48. National Association of Homebuilders, Petitioner, is a nonprofit corporation organized under the laws of Nevada, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
49. National Propane Gas Association, Petitioner, is a nonprofit corporation organized under the laws of New Jersey, it does not have a parent

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corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.

50. Natural Gas Association of Georgia, Inc., Petitioner, is a nonprofit corporation organized under the laws of Georgia, it does not have a parent corporation, and no publicly traded corporation owns 10 percent or more of its stock as it does not issue stock.
51. Nebraska, State of, Petitioner
52. Nielson, Aaron, counsel for Petitioner State of Texas
53. North Dakota, State of, Petitioner
54. Ohio, State of, Petitioner
55. Oklahoma, State of, Petitioner
56. Overing, Robert M., counsel for Petitioner State of Alabama
57. Patterson, Autumn Hamit, counsel for Petitioner State of Arkansas
58. Paxton, Ken, Attorney General, Petitioner State of Texas
59. Petrany, Stephen J., counsel for Petitioner State of Georgia
60. Powell, Anthony J., counsel for Petitioner State of Kansas
61. Purser, Stanford, counsel for Petitioner State of Utah
62. Raab, Michael S., counsel for Respondent U.S. Department of Energy
63. Rice, James Matthew, counsel for Petitioner State of Tennessee

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64. Reichman, Courtland, counsel for Petitioners Rinnai America Corp., National Association of Home Builders, National Propane Gas Association, American Gas Association, American Public Gas Association, Natural Gas Association of Georgia, Inc., Florida Natural Gas Association, and Florida Propane Gas Association
65. Reichman Jorgensen Lehman & Feldberg LLP, counsel for Petitioners Rinnai America Corp., National Association of Home Builders, National Propane Gas Association, American Gas Association, American Public Gas Association, Natural Gas Association of Georgia, Inc., Florida Natural Gas Association, and Florida Propane Gas Association
66. Rinnai America Corporation, Petitioner, is a corporation with its headquarters in Peachtree City, Georgia. Rinnai America Corporation is a wholly owned subsidiary of Rinnai Corporation (“RINIF”), a publicly traded corporation with its headquarters in Nagoya, Japan.
67. Skrmetti, Jonathan, Attorney General, Petitioner State of Tennessee
68. South Carolina, State of, Petitioner
69. St. John, Joseph S., counsel for Petitioner Rinnai
70. St. John LLC, counsel for Petitioner Rinnai
71. Starcher, Jack, counsel for Respondent U.S. Department of Energy

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- 72. Strobl, Grant, counsel for Petitioner State of Nebraska
- 73. Tennessee, State of, Petitioner
- 74. Texas, State of, Petitioner
- 75. Utah, State of, Petitioner
- 76. U.S. Department of Energy, Respondent
- 77. Virginia, Commonwealth of, Petitioner
- 78. Webster, Brent, First Assistant Attorney General, Petitioner State of  
Texas
- 79. Wessan, Eric H., counsel for Petitioner State of Iowa
- 80. West Virginia, State of, Petitioner
- 81. Williams, Michael, counsel for Petitioner State of West Virginia
- 82. Wilson, Alan, Attorney General, Petitioner State of South Carolina
- 83. Wrigley, Drew, Attorney General, Petitioner State of North Dakota
- 84. Yost, Dave, Attorney General, Petitioner State of Ohio

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**JOINT STIPULATION OF VOLUNTARY DISMISSAL**

Petitioners State of Georgia, State of Kansas, State of Tennessee, State of Alabama, State of Arkansas, State of Idaho, State of Iowa, Commonwealth of Kentucky, State of Louisiana, State of Mississippi, State of Missouri, State of Montana, State of Nebraska, State of North Dakota, State of Ohio, State of Oklahoma, State of South Carolina, State of Texas, State of Utah, Commonwealth of Virginia, State of West Virginia, Rinnai America Corporation, National Propane Gas Association, National Association of Home Builders, Natural Gas Association of Georgia, Inc., American Gas Association, American Public Gas Association, Florida Propane Gas Association, and Florida Natural Gas Association (“Petitioners”), and Respondent U.S. Department of Energy (collectively, “Parties”), by and through their undersigned counsel and pursuant to Federal Rule of Appellate Procedure 42(b)(1) and Eleventh Circuit Rule 42-1(a), hereby agree and stipulate to the voluntary dismissal of this petition for review, Case No. 25-10161. The parties also agree and stipulate that each side shall bear their own costs.

The U.S. Department of Energy published a final rule on gas instantaneous water heaters on December 26, 2024. *See* “Energy Conservation Program: Energy Conservation Standards for Consumer Gas-fired Instantaneous Water Heaters,” 89 Fed. Reg. 105188 (Dec. 26. 2024). Petitioners filed a petition challenging the rule

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on January 17, 2025. ECF 001. The Court granted petitioners’ unopposed motion to hold the case in abeyance on March 12, 2025. ECF 44.

Pursuant to the Congressional Review Act, 5 U.S.C. §§ 801 *et seq.*, the House of Representatives and the Senate passed, and the President signed, a joint resolution disapproving the Department of Energy’s rule at issue in this case. *See* H.J. Res. 20, 119th Cong., 1<sup>st</sup> Sess. (2025) (signed by President May 9, 2025), available at [H.J.Res.20 - 119th Congress \(2025-2026\); White House Press Release: President Donald J. Trump Signed H.J. ' Res. 20, 24, 42, and 75, and S.J. Res.' 18, 28 into Law | The American Presidency Project](#). The Congressional Review Act provides that “[a] rule shall not take effect (or continue), if the Congress enacts a joint resolution of disapproval.” 5 U.S.C. § 801(b)(1). *See also* H.J. Res. 20, *supra* (stating that Congress “disapproves the rule submitted by the Department of Energy relating to ‘Energy Conservation Program: Energy Conservation Standards for Consumer Gas-fired Instantaneous Water Heaters’ (89 Fed. Reg. 105188 (December 26, 2024)), and such rule shall have no force or effect”).

Subsequently, the Department of Energy withdrew the rule based on the disapproval. *See* Energy Conservation Program: Energy Conservation Standards for Consumer Gas-Fired Instantaneous Water Heaters, 90 FR 21390-01 (May 20, 2025) (“Pursuant to the Congressional Review Act, this document withdraws a disapproved final rule that was published in the **Federal Register** on December 26,

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2024. The final rule would have established amended energy conservation standards for gas-fired instantaneous water heaters.”).

Because the Department of Energy final rule has been disapproved pursuant to the Act and subsequently withdrawn by the Department and therefore has no continuing legal effect, Petitioners’ petition for review of the final rule is moot. *See Ethredge v. Hail*, 996 F.2d 1173, 1175 (11th Cir. 1993) (“A case is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief.”); *Frulla v. CRA Holdings, Inc.*, 543 F.3d 1247, 1251 (11th Cir. 2008) (same). Accordingly, the parties stipulate and agree that the petition should be voluntarily dismissed.

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Date: May 27, 2025

Respectfully submitted,

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/s/ Courtland L. Reichman

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Dated: May 27, 2025